

Serial No.: 09/986,956

REMARKS

Reconsideration of the rejection of the claims under 35 USC §112, second paragraph is respectfully requested in view of the amendments to the claims wherein the examiner's errors have been corrected.

Reconsideration of the rejection of the claims as unpatentable over Spiller in view of Yamamoto is respectfully requested in view of the amendments to the claims and the following remarks.

Claim 7 has been amended to make it clear that the force for activation of the parking brakes is applied through the adjustable link. In contrast, the forces for applying the parking brake in Yamamoto are applied through the spreader bar 88. Furthermore, it is apparent that the structure of Yamamoto is far more complex than that claimed because the spreader bar is required to actuate the parking brake, thus requiring additional structure. This adds both cost and weight.

It is also respectfully submitted that the only motivation for the proposed combination of references is found in the present application. Nowhere does either reference suggest that the structure of Spiller should be modified to provide the parking brake structure shown by Yamamoto. The two are completely different types of systems, and nothing in the art teaches any problem that requires solving or suggests any improvement that would have led one of skill in the art to the proposed combination. Thus, the office action fails to make a *prima facie* case of obviousness.

It is further pointed out that the modification proposed would not necessarily work. The two structures are so different that integration of the Yamamoto structure in

Serial No.: 09/986,956

the Spiller structure is unlikely to be operable, without complete rebuilding of the devices in accordance with the teachings of the instant application.

Moreover, it is submitted that even if the proposed combination were made, the invention would not result because Yamamoto requires a spreader bar for activation of the parking brake. According to the invention, the adjustable link adjusts the spacing to account for brake lining wear and also operates the parking brake. Thus, the proposed modification would not result in the claimed invention.

With respect to the drawings, the examiner is respectfully requested to reconsider the requirement for drawing changes in the first place. All of the features recited in the present claims are clearly shown in the formal drawings already supplied. Thus, there is at this point no need for changes.

It is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested.

All necessary extensions of time are requested. Please charge any deficiency and credit any excess to deposit account 50-1088.

Respectfully submitted,
CLARK & BRODY



Conrad J. Clark
Reg. No. 30,340

Suite 250
1090 Vermont Ave., NW
Washington, D.C. 20005
202-835-1111
202-835-1755(fax)
December 23, 2005